

Delta Plan Development

Summary: Review and discuss the Third Staff Draft Delta Plan, receive a presentation on a recommended EIR Alternatives approach for the Delta Plan, and a summary of Comments received in the past month are in the Comment Matrix.

Background

The first staff draft included various findings about the Delta based on science, government reports, and other information. The findings were statements about the Delta ecosystem, water supply reliability, flood risk, and other issues relevant to the Delta Plan. These findings have since been evaluated by the Delta Independent Science Board which submitted a helpful critique to Council staff for how the Plan might better be organized and strengthened.

The second staff draft focused on introducing a range of proposed regulations and recommendations for discussion and for the Council's consideration. These regulations and recommendations were intended to address the problems identified in the findings from the first draft. Because the findings were being revised in accordance with ISB input, these did not appear in the second draft.

In this third staff draft we reconnect the revised findings and regulations and recommendations. Following the recommendations of the Delta Independent Science Board we have reformatted the findings into clear problem statements. Each problem statement has associated draft regulations or recommendations. The intent is to establish the logic and reasoning behind how each draft regulation relates to the stated problem. This improves the readability of the document, as well as the clarity of what we're trying to achieve in the Delta Plan.

A finance plan framework is included in this draft, but not a complete accounting of dollar needs and recommended sources and strategies. Staff will continue to refine the finance section of the plan.

The first of the presentations at this Council meeting will begin with a discussion for Council consideration on a recommended approach to Environmental Impact Report (EIR) Alternatives for the Delta Plan. Following the EIR Alternatives discussion, we will spend several hours going through the Third Staff Draft of the Delta Plan. Finally, we will briefly discuss the comments received by the Council over the last month, which are summarized in the Comment Matrix.

Additional Council workshops are planned for May 12 – 13. Continuing Council direction and public comment will help shape the Fourth Staff Draft, which is scheduled to be released in mid-May. Council direction will be especially critical in the development of

the Fourth draft. The Fourth Draft will be released in mid May. The Council will be asked to make further revisions and approve circulation of what will become the Fifth (5th) draft plan together with the draft EIR. This will commence a 45 day public comment period to conclude on August 1, 2011.

The Council will then consider the public comments and review another draft at the August meeting. On September 15, if the Council has not altered the draft Delta Plan in a manner that requires recirculation under CEQA, it will direct staff to submit that draft to the Office of Administrative Law (OAL) along with related materials. The OAL will publish a notice of the proposed Delta Plan adoption at least 45 days prior to the Council's final review of the Delta Plan and of the comments on that plan.

At the November 17 and 18 Council meetings, the Council will consider the final EIR for certification. At this time, the Council will also consider the final Delta Plan for adoption.

If the Council certifies the EIR and adopts the Delta Plan, staff will submit the Plan to OAL for review, which must be completed within 30 working days of submission. If OAL approves the Delta Plan, or fails to act within 30 working days, it will be deemed to have been approved and OAL will submit it to the Secretary of State for filing. The Delta Plan will become effective 30 days after that filing.

List of Attachments

Attachment 1: Third Staff Draft Delta Plan

Attachment 2: Comment Matrix for Comments Received from March 14, 2011 through April 15, 2011

Contact

Terry Macaulay
Acting Deputy Executive Officer

Phone: (916) 445-5825